

REMARKS

This paper is filed in response to the Office Action dated March 31, 2004 and the Advisory Action dated August 13, 2004.¹ As this paper is filed on September 29, 2004 with a request for continued examination and a petition for a three-month extension, the paper is timely filed.

I. Status of Amendments

Claims 91-122 were pending prior to this reply. Claims 91, 106, 107 and 111 have been amended. Thus, claims 91-122 remain pending.

II. Response

In the March 31 Office Action, claims 91-98, 101-114, 117-119, 121, and 122 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Nagao et al. (U.S. Patent No. 5,645,486). Claims 99, 100, 115, 116 and 120 were rejected under 35 U.S.C. 103 as being allegedly unpatentable over Nagao et al. in view of DeFrees-Parrott et al. (U.S. Published Application No. 2001/0036855).

In the August 13 Advisory Action, the examiner elaborated on the alleged anticipation by Nagao et al. Applicants have reproduced the passage herein:

In particular, the examiner believes Nagao et al. (U.S. 5,645,486) anticipates the claim limitation, "permitting the player to place the at least one entry with one of a set of entries for a first shared bonus event and a set of entries for a second shared bonus event;" as claimed in claim 91. In Nagao et al. a player is qualified for a bonus event (first lottery) when a predetermined outcome is obtained in the first primary game. Based on this qualifying event, the player is given one entry into the first lottery associated with a particular period in the day. That entry is placed and associated with other entries that qualify for that first lottery associated with that particular period in the day. For instance, given a depositing value of "2000", the lottery is supposed to be performed 50 times a day. Therefore, a player can qualify for a second lottery, performed

¹ Applicants note that they never received a copy of the Advisory Action in the mail. Applicants retrieved a copy of the Advisory Action using the Private PAIR System.

after the first lottery, when a predetermined outcome is also obtained in the second primary game that is performed after the first lottery. Therefore, the player is permitted to place the at least one entry with one of the set of entries for a shared bonus event (lottery).

In rebuttal, applicants have amended claim 91 to emphasize the distinction which applicants submit existed in claim 91 as previously presented. Consequently, applicants submit that the amendment of claim 91 has not changed the scope of claim 91, and nor has the amendment changed applicants' arguments. Applicants hope, however, that the distinctions drawn between the subject matter of claim 91 and Nagao et al. may be better appreciated in light of this amendment.

Thus, applicants first note that claim 91, as amended, recites "determining if one qualifying activity associated with the primary game has occurred." Claim 91 continues on to recite "associating at least one entry for a shared bonus event with a gaming entity if the one qualifying activity associated with the primary game has occurred." Thus, one or more ("at least one") entries are associated with a gaming entity according to the occurrence of one qualifying activity ("the one qualifying activity"). Claim 91 then recites "permitting the player to place the at least one entry with one of a set of entries for a first shared bonus event and a set of entries for a second shared bonus event." Thus, the one or more ("the at least one") entries associated with the gaming entity according to the occurrence of the one qualifying activity ("the one qualifying activity") may be placed with one of two different bonus events ("a set of entries for a first shared bonus event" and "a set of entries for a second shared bonus event").

These claimed limitations are not met in Nagao et al. Even assuming that the characterization of Nagao et al. in the passage reproduced above is correct, Nagao et al. does not permit a player to place allegedly corresponding entries associated with a single allegedly corresponding qualifying event of the primary game into two different allegedly corresponding bonus events. According to the passage above, the entries for the player in the two allegedly corresponding bonus events come from two different allegedly corresponding primary game qualifying events. Even as characterized above, the allegedly corresponding entry associated as a consequence of the allegedly corresponding first primary game is not capable of being placed in the allegedly corresponding second bonus event.

Frankly, this is in keeping with what applicants have stated all along. Specifically, applicants have stated that in regard to the allegedly corresponding "lottery" identified in the August 27 Office Action, Nagao et al. states (col. 10:1-13):

Meanwhile, if the winning combination is a ROYAL FLUSH at step 8, it is judged whether or not the bet amount is the predetermined maximum value (STEP S9). . . . If the player doesn't bet the maximum amount, a lottery is performed (STEP S10).

Further, Nagao et al. states (col. 11:34-54):

In FIG. 16, the lottery indicating section i includes lines for indicating 5 to 1 BETs from top to bottom. Five circles 0 are arranged in the 5 BET line, four circles 0 are arranged in the 4 BET line, three circles 0 are arranged in the 3 BET line, two circles 0 are arranged in the 2 BET line, and one circle 0 is arranged in the 1 BET line. . . . the lengthwise lottery determining frame k moves from left to right, i.e., from the first row to the fifth row, enclosing circles, and stops after the fixed time. If there is a circle at the place where the row determined bet indicating frame j and the lottery determining frame k which has stopped, the player wins. The player loses if there is no circle at that place.

Therefore, according to Nagao et al., there is no "permitting the player to place the at least one entry with one of a set of entries for a first shared bonus event and a set of entries for a second shared bonus event," but the allegedly corresponding "lottery" involving the allegedly corresponding "entry" is carried out as a direct consequence of the player meeting the requirements for participating in the lottery.

Similar to the "lottery" of Nagao et al., DeFrees-Parrott et al. states, for example, at paragraph [0030]:

In one embodiment, the lottery game is configured as a Quick Pick lottery and the Quick Pick numbers are erased after each play and replaced with new quick pick numbers or a players chosen numbers.

As to other embodiments, DeFrees-Parrott et al. states, for example, at paragraphs [0073] and [0074]:

Next, lottery game device 10 generates a lottery ticket having the player's selected lottery number. In alternative embodiment, the player's identification card has the player's favorite lottery numbers encoded thereon. . . . Data representing the winning lottery number is then generated by the central lottery computer and inputted into interface connector 60. Control module 40 then controls lottery game display 36 to display the winning lottery numbers. If the player is a winner, control module 40 then outputs a signal to

lottery game display 36 and visual and audio module 38 to provide video and audio information that informs the player he or she is a winner.

Additional examples may be provided, but it is believed that none of the embodiments of DeFrees-Parrott et al. include each and every limitation of the subject matter of claim 91, for example, "permitting the player to place the at least one entry with one of a set of entries for a first shared bonus event and a set of entries for a second shared bonus event."

Given that claims 92-122 depend from claim 91 and that claim 91 is distinguishable from Nagao et al. and DeFrees-Parrott, so too are claims 92-122.

III. Information Disclosure Statement

An Information Disclosure Statement is submitted herewith.

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. Moreover, applicants request a telephonic interview with the examiner in regard to this amendment.

Respectfully submitted,

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